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No. 06-292

FILED
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SUPREME COURT, U.S.

In The

Supreme Court of the United States

ARTHUR O. ARMSTRONG,

Petitioner,

v.

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

Respondents.

TO BE REPRINTED

On Petition For A Writ Of Certiorari
For The United States Court Of Appeals
For The Fourth Circuit

Reply to Brief In Opposition

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Counsel for Petitioner

06-292

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Supreme Court of the United States

October Term, 2006

ARTHUR O. ARMSTRONG,

Petitioner,

vs.

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On Petition for a Writ of Certiorari to the United States District Court Durham Division

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REPLY TO BRIEF IN OPPOSITION

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QUESTIONS PRESENTED

Whether the trial court, Judge William L. Osteen, denied plaintiff's motion for leave to file motion for reconsideration.

SUPREME COURT OF THE UNITED STATES

ARTHUR O. ARMSTRONG NO. 06-292
vs.
UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

PETITION IN REPLY TO BRIEF IN OPPOSITION

TO: THE HONORABLE SUPREME COURT OF THE UNITED STATES:

Petitioner, Arthur O. Armstrong, respectfully, in reply to Brief in Opposition, petitions the Court to review the Order/Decree of Judge William L. Osteen dated: May 8, 2006. The Order and Decree appealed from is described as follows:

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

ARTHUR O. ARMSTRONG	:	
v.	:	
UNITED STATES DISTRICT	:	ORDER
COURT FOR THE MIDDLE	:	
DISTRICT OF NORTH CAROLINA:		

AND NOW this 8th day of May, 2006, upon consideration of plaintiff's motion for Reconsideration and the Response of defendant, if any, it is hereby ORDERED and DECREED that plaintiff's motion be GRANTED.

BY THE COURT:

WILLIAM L. OSTEEN, J.

Facts

The plaintiff failed to perfect the appeal in submitting the motion for reconsideration without submitting the accompanying order which provides for the interlocutory order; thereby rendering the plaintiff's to the nonappealability of right of an interlocutory order granting plaintiff's motion.

Reasons Why Writ Should Issue

The interlocutory order makes it impractical for petitioner to proceed further in trial court; that irreparable harm will result to petitioner and will continue to result if petitioner's appeal is not perfected with the interlocutory order. Said Order and Decree directly involves a substantial question arising under the Fourth and Fourteenth Amendments to the Constitution of United States and under Article 1, Section 20 of the Constitution of the State of North Carolina, in that it deprives rights secured thereunder to the plaintiff by overruling plaintiff's assignment of error to the denial of his Motion for leave to file Motion for Reconsideration, thereby depriving plaintiff of his constitutional right not to be deprived of life, property, or liberty, without due process of law; nor be denied equal protection of the laws. This constitutional issue was timely raised in the trial tribunal by plaintiff's Motion for reconsideration prior to the trial of plaintiff.

The meritorious basis of petitioner's proposed assignments of error, etc., is that in Guilford and Durham Counties, North Carolina, the defendants acted with reckless indifference and wanton disregard for the truth or falsity and the rights of plaintiff and others when they failed to conform to the requirements of the federal constitution and the laws of the United States, when they acted with including but not limited to: malice, fraud, arbitrariness, capriciousness, RICO, conspiracy, aided and abetted and the fact such a conspiracy, fourth and fourteenth Amendment right violations against the plaintiff.

WHEREFORE, petitioner respectfully prays that this Court issues its writ of certiorari to the United States District Court for the Middle District of North Carolina and/or United States Court of Appeal, if appropriate, to review the Order/Decree above specified, upon error (Trial court committed reversible error in denying plaintiff's motion for leave to file motion for reconsideration.) assigned in the record on appeal constituted in accordance to the Federal Rules of Appellate Procedure.

Respectfully submitted this the 10th day of October, 2006.

/s/ Arthur O. Armstrong, Petitioner
Arthur O. Armstrong, Petitioner

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AFFIDAVIT OF ARTHUR O. ARMSTRONG

I swear of affirm under penalty of perjury under United States laws that the within and foregoing statements are true and correct (28 U.S.C. §1746.)

October 10, 2006.

/s/ Arthur O. Armstrong, Petitioner
Arthur O. Armstrong, Petitioner

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